

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MAHSA PARVIZ,

Petitioner,

v.

H. BARRON and C. PETERS,

Respondents.

CASE NO. 2:23-CV-1407-JHC-DWC

ORDER DENYING DEFAULT
JUDGMENT

This matter comes before the Court on Petitioner's Motion for Entry of Order Granting §2241 Petition (Dkt. 24) and Motion for Default Judgment (Dkt. 36). Petitioner requests default judgment be entered against Respondents. *See* Dkt. 36. She also requests the Court grant her petition for writ of habeas corpus under 28 U.S.C. § 2241 because Respondents have not responded to the Petition. Dkt. 24.

"When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default." Fed. R. Civ. P. 55(a). Here, the Court has granted Respondents an extension of time to answer. *See* Dkt. 34. Respondents' answer is due on or before March 11,

2024. As the time for filing an answer has been extended and, therefore, has not expired, Respondents are not in default. *See Pamer v. Schwarzenegger*, 2009 WL 2824748, *1 (E.D. Cal. Sept. 1, 2009) (finding the defendant was not in default when the time to file a responsive pleading had not expired). Furthermore, even if Respondents fail to file a timely answer, “[t]he failure to respond to claims raised in a petition for habeas corpus does not entitle the petitioner to a default judgment.” *Gordon v. Duran*, 895 F.2d 610, 612 (9th Cir. 1990). As the time for filing an answer has not run and as the failure to respond to habeas claims does not entitle Petitioner to default judgment or habeas relief, Petitioner’s Motion for Default Judgment (Dkt. 36) and Motion requesting the Court grant her habeas relief (Dkt. 24) are denied.

Dated this 5th day of March, 2024.



David W. Christel
United States Magistrate Judge